

February 7, 2018

Certified: 7017 0190 0000 6805 6040

**Eduardo Longoria**  
**President, Shambala Corporation**  
**1701 Toomey Rd.**  
**Austin, TX 78704**

**RE: Notice of Intent to Suspend the Certificate of Occupancy for the School Cafeteria located at 1701 Toomey Rd. – Reference permit numbers: 1991-010757 (9112598), 1997-014303 (97020140).**

Dear Mr. Longoria,

In accordance with City Code Section 25-1-417 (*Notice of Intent to Suspend or Revoke*), this letter is a Notice of Intent to Suspend the School Cafeteria Certificate of Occupancy, which was issued under permits 1991-010757 (9112598) and 1997-014303 (97020140). The City intends to suspend the certificate of occupancy because the building violates the Fire Code, which creates a hazard for this building, adjacent structures, current occupants and emergency responders. The building violates the following provisions of the Fire Code:

- **Section 503.1.1 Buildings and facilities.**

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- **Section 503.2.1 Dimensions.**

Fire apparatus access roads shall have an unobstructed width of not less than 25 feet (7620 mm), except for approved security gates in accordance with Section 503.6 and the Fire Protection Criteria Manual, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

To begin efforts to cure these deficiencies, you must submit a corrected site plan on or before March 9, 2018. The corrected site plan must address how you intend to comply with the sections referenced above. More specifically, the site plan must show the required fire access road to the building. In order to fully comply with City Code Requirements, the corrected site plan must be approved before the start of work.

Failure to submit a site plan by the deadline will result in a suspension of the certificate of occupancy.

Please contact me at 512-974-9754 or via email at [jose.roig@austintexas.gov](mailto:jose.roig@austintexas.gov) if you have any questions regarding the action required under this Notice of Intent.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J. Roig', is positioned above the typed name.

José G. Roig, CBO  
Building Official  
Development Services Department

Cc: Rodney Gonzales, Director, DSD  
Denise Lucas, Deputy Director, DSD  
Cora D. Wright, Director, ACD  
Chief Rob Vires, Fire Marshal, AFD  
Richard Anderson, Division Manager, DSD

March 2, 2018

**Stuart Hersh**  
**6703 Woodhue Drive**  
**Austin, TX 78745**

**RE: Approval of a Site Plan Exemption to allow for the submittal and approval of a Building Permit to install a fire sprinkler system at 1701 Toomey Rd (Casa de Luz)**

Dear Mr. Hersh,

This letter is in response to our meeting on February 28, 2018 to discuss an agreeable solution for the Fire Code violations at 1701 Toomey Rd., Austin, TX, also known as Casa de Luz.

I have discussed the proposal with staff at the Development Assistance Center. The City will approve a Site Plan Exemption for the installation of the fire sprinkler system with the following conditions:

- Your submittal of a current and accurate site plan layout.
- The exemption is for the sole purpose of installing a fire sprinkler system for a school cafeteria and that it does not constitute an approval of the current site plan or use of the building.

This approval will allow for the submittal of plans for review and the ability to obtain the necessary permits for the installation of the fire sprinkler system as an alternate method of compliance to meet the requirements of the Fire Code.

Completion of that work will suffice to eliminate the life/safety violations. You will have to work separately to obtain approval of the site plan. Other violations related to unpermitted structures, uses and parking will have to be addressed separately from this submittal.

We understand that you will need time to prepare plans, get approval, secure bids, select a contractor and complete the installation. Please submit a reasonable timeline that we can all agree to in order to stop any further actions related to the Suspension of the Certificate of Occupancy.

Please feel free to contact me if you have any questions or concerns.

Respectfully,



José G. Roig, CBO  
Building Official  
Development Services Department

Cc: Rodney Gonzales, Director, DSD  
Denise Lucas, Deputy Director, DSD  
Cora D. Wright, Director, ACD  
Chief Rob Vires, Fire Marshal, AFD  
Richard Anderson, Division Manager, DSD  
Christopher Johnson, Division Manager, DSD

February 27, 2019

Certified: 7001 0360 0000 3565 5777

Eduardo Longoria  
President, Shambala Corporation  
1701 Toomey Road  
Austin, TX 78704

**RE: Notice of Intent to Suspend the Certificate of Occupancy for the School Cafeteria located at 1701 Toomey Rd. – Reference permit numbers: 1991-010757 BP (9112598), 1997-014303 BP (97020140)**

Dear Mr. Longoria,

This letter constitutes a Notice of Intent to Suspend the Certificate of Occupancy for the structure with a certificate of occupancy for a school cafeteria, which is located at 1701 Toomey Road. See Austin City Code §25-1-417 (*Notice of Intent to Suspend or Revoke*). This structure received a Certificate of Occupancy for a School Cafeteria under permits 1991-010757 BP (9112598) and 1997-014303 BP (97020140).

As you know, on February 7<sup>th</sup>, 2018, the City's Building Official issued a notice of intent to suspend the certificate of occupancy for the school cafeteria located at 1701 Toomey Road because the structure/property does not comply with Fire Code Sections 503.1.1 (Buildings and Facilities) and 503.2.1 (Dimensions). The notice required the owner or owner's agent to submit a corrected site plan to the City's Development Services Department no later than March 2, 2018.

Subsequently, the City's Building Official agreed to approve a site plan exemption for the installation of the fire sprinkler system with the condition that the exemption is for the sole purpose of installing a fire sprinkler system for a school cafeteria. See March 2, 2018, Letter from Jose Roig to Stuart Hersh (attached). The site plan exemption would not constitute an approval of the current site plan or the use of the building. The purpose of this exemption was to allow the submittal of plans for review and the ability to obtain the necessary permits for the installation of the fire sprinkler system as an alternate method of compliance to meet the requirements of the Fire Code.

After reviewing the permit records, I note the following progress has occurred:

- Austin Water approved the tap plan on December 18<sup>th</sup>, 2018.
- The plumbing permit to construct the water service line to the school cafeteria building was released on January 3<sup>rd</sup>, 2019.
- The infrastructure for the fire sprinkler system was installed in the school cafeteria building.

However, that progress has not remedied the lack of proper fire access or satisfied the alternate method of compliance offered last March. Without operable fire sprinklers, a fire hazard exists for this structure, adjacent structures, current occupants and emergency responders. Austin City Code §25-1-413 (*Suspension of a Certificate of Occupancy*) authorizes the Building Official to suspend the certificate of occupancy if the structure does not comply with the requirements of the City Code. Given these facts, it is appropriate for me

to suspend the certificate of occupancy. To avoid suspension, the following actions must be completed **within 60 days** from the date of this letter:

- Make application for and obtain a building permit for the installation of the fire sprinklers inside the school cafeteria building
- Obtain and pass all necessary inspections from Development Services and Austin Fire related to the installation of the fire sprinklers inside the school cafeteria building
- Complete construction of fire line and obtain all necessary inspections for plumbing permit 2019-000680

If you (or your agent) fails to take the actions described above within the timeframe provided, I will suspend the certificate of occupancy for the structure containing the school cafeteria. If the certificate of occupancy is suspended, the structure containing the school cafeteria may not be occupied.

**PLEASE NOTE: EVEN AFTER THE FIRE SPRINKLERS ARE OPERATIONAL, YOUR PROPERTY WILL NOT COMPLY WITH CITY CODE AS IT RELATES TO WORK WITHOUT PERMIT, CHANGE OF USE, REQUIRED PARKING, AND REQUIRED SITE PLAN SUBMISSION. IN THE NEXT FEW WEEKS, THE AUSTIN CODE DEPARTMENT AND THE CITY'S DEVELOPMENT SERVICES DEPARTMENT WILL PROVIDE YOU A LIST OF KNOWN OUTSTANDING ISSUES AND TIMELINES TO REMEDY THOSE ISSUES.**

Please contact me at (512) 974-3111 or via email at [beth.culver@austintexas.gov](mailto:beth.culver@austintexas.gov) if you have any questions regarding the actions required under this notice.

Respectfully,



Beth Culver, AIA, PMP  
Building Official, Acting Assistant Director

May 2, 2019

Certified: 7001 0360 0000 3565 5807

Eduardo Longoria  
President, Shambala Corporation  
1701 Toomey Road  
Austin, TX 78704

**RE: Suspension of Certificate of Occupancy | Notice of Intent to Revoke the Certificate of Occupancy for the School Cafeteria located at 1701 Toomey Rd. – Reference permit numbers: 1991-010757 BP (9112598), 1997-014303 BP (97020140)**

Dear Mr. Longoria,

Pursuant to City Code Section 25-1-413 (*Suspension of a Certificate of Occupancy*), this letter suspends the Certificate of Occupancy (CO) for the structure located at 1701 Toomey Road with a certificate of occupancy for a school cafeteria. This structure received a Certificate of Occupancy for a School Cafeteria under permits 1991-010757 BP (9112598) and 1997-014303 BP (97020140).

The Certificate of Occupancy for this structure is hereby suspended pursuant to Section 25-1-413 because of the City Code violations referenced below.

#### **Summary of Violations**

The building violates the following provisions of the Fire Code:

- **Section 503.1.1 Buildings and facilities.**  
Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- **Section 503.2.1 Dimensions.**  
Fire apparatus access roads shall have an unobstructed width of not less than 25 feet (7620 mm), except for approved security gates in accordance with Section 503.6 and the Fire Protection Criteria Manual, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

#### **Required Actions to Obtain Compliance**

To remedy the violations identified above, the applicant must complete the following actions no later June 1, 2019:

- Obtain a building permit for the installation of the fire sprinklers inside the school cafeteria building

- Obtain and pass all necessary inspections from Development Services and Austin Fire related to the installation of the fire sprinklers inside the school cafeteria building
- Complete construction of fire line and obtain all necessary inspections for plumbing permit 2019-000680

Unless the applicant completes these actions **by June 1, 2019**, the Certificate of Occupancy referenced above will be revoked pursuant to Section 25-1-416 (*Revocation after Suspension*) and utility services may be disconnected pursuant to the Building Code Section 112.3 (*Authority to disconnect service utilities*).

**PLEASE NOTE: EVEN AFTER THE FIRE SPRINKLERS ARE OPERATIONAL, YOUR PROPERTY WILL NOT COMPLY WITH CITY CODE AS IT RELATES TO WORK WITHOUT PERMIT, CHANGE OF USE, REQUIRED PARKING, AND REQUIRED SITE PLAN SUBMISSION. REFER TO THE LETTER IN REGARD TO ADDITIONAL LAND DEVELOPMENT CODE VIOLATIONS REQUIRING ACTION DATED MARCH 28, 2019 FOR A LIST OF KNOWN OUTSTANDING ISSUES AND TIMELINES TO REMEDY THOSE ISSUES.**

Please contact me at (512) 974-3111 or via email at [beth.culver@austintexas.gov](mailto:beth.culver@austintexas.gov) if you have any questions regarding the actions required under this notice.

Respectfully,



Beth Culver, AIA, PMP  
Building Official, Acting Assistant Director

June 3, 2019

Certified: 7001-0360-0000-3565-5821

Eduardo Longoria  
President, Shambala Corporation  
1701 Toomey Road  
Austin, TX 78704

**RE: Fire Watch Requirement, Casa de Luz School Cafeteria, 1701 Toomey Rd.**

Dear Mr. Longoria,

In the notice of suspension sent to you on May 2, 2019, you were informed that if the Fire Code violation was not remedied by June 1, 2019, the Certificate of Occupancy for the dining establishment at 1701 Toomey Road would be revoked. Although progress toward resolving Code violations at the site has occurred, the violation remains: the dining establishment structure lacks a proper fire apparatus access or fire sprinklers as an alternate method of compliance.

Without operable fire sprinklers or a proper fire apparatus access, a fire hazard exists for this structure, adjacent structures, current occupants and emergency responders. Because of this hazard, while the cafeteria remains in operation, you are required to provide Fire Watch duties until the dining establishment structure complies with the Fire Code. Fire Watch duties are performed by a licensed security company and are required during the hours the dining establishment is occupied. Fire Watch duty includes providing early detection, early local notification, early emergency response notification and assisting with evacuation. Duties do not include firefighting activities, although the extinguishment of fire in the early stages may be provided as described in Section 403 of the City's Fire Code. Additional requirements and conditions can be found in the attached document "AFD FIRE WATCH REQUIREMENTS."

The Fire Watch must start on or before June 10, 2019, and must continue until the work described below is complete and passes required inspections.

To remedy the Fire Code violation, the following items must be completed:

- Obtain a building permit for the installation of the fire sprinklers inside the school cafeteria building. Submit corrections and response as required in the comment report issued on April 2, 2019, for Plan Review 2019-045027 PR in order to obtain a building and plumbing permit for fire sprinkler installation.
- Obtain and pass all necessary inspections from Development Services and Austin Fire related to the installation of the fire sprinklers inside the school cafeteria building
- Complete construction of fire line and obtain all necessary inspections for plumbing permit 2019-000680 PP and complete construction of the exterior fire line and pass required inspections for Water Infrastructure 2019-005097 SSI.

Mr. Stuart Harry Hersh, on your behalf, appealed the decision to suspend the Certificate of Occupancy for the dining establishment and the Interim Director's decision to uphold the suspension. While the appeals process is on-going, any action to revoke the certificate of occupancy or to suspend the utilities will be

placed on hold. However, if the appeals process concludes with the suspension being upheld, then the Certificate of Occupancy will be revoked and the utilities may be suspended without further notice to you.

Please contact me at (512) 974-3111 or via email at [beth.culver@austintexas.gov](mailto:beth.culver@austintexas.gov) if you have any questions regarding the specified actions noted. Should you have questions about implementation of the Fire Watch, please contact the Fire Marshal's office at (512) 974-0160 or [fireprevention@austintexas.gov](mailto:fireprevention@austintexas.gov).

Respectfully,

A handwritten signature in black ink, appearing to read 'Beth Culver', with a long horizontal flourish extending to the right.

Beth Culver, AIA, PMP  
Building Official, Acting Assistant Director



# AUSTIN FIRE DEPARTMENT

Emergency Fire Prevention and Fire Marshal's Office  
505 Barton Springs Rd, Suite 200, Austin, Texas 78704  
(512) 974-0160 fireprevention@austintexas.gov

## **AFD FIRE WATCH REQUIREMENTS**

The following conditions must be observed at all times Fire Watch duties are required at the location.

1. Fire Watch duty personnel provide early detection, early local notification, early emergency response notification and the assistance with evacuation. Duties do not include firefighting activities although the extinguishment of fire in the early stages may be provided as described in International Fire Code Section 403.
2. The only duty Fire Watch personnel shall perform are those duties associated with Fire Watch. No other assignments, including security work, shall be performed.
3. The number of Fire Watch personnel required will be determined by the AFD Emergency Prevention Office. Where more than one person is assigned, only one person will be assigned responsibility for notifying 911.
4. Austin Fire Department personnel assigned Fire Watch duties will be equipped with radio communications capabilities for contact with emergency dispatch and emergency responding personnel.
5. Building/Occupancy Employees and/or Licensed Security Fire Watch personnel must have two-way communication capabilities to alert 911 in case of emergency. If more than one person is conducting the Fire Watch, they must be able to communicate with each other (cell phone, portable radio or phone line).
6. The Licensed Security Company contracted to perform Fire Watch duties is required to notify the Authority Having Jurisdiction in writing that the Security Company has been hired to perform those duties. If the Business/Occupancy itself is performing the Fire Watch duties with internal employees the Business/Occupancy is required to notify the AFD Emergency Prevention Office with the names of the employees performing those duties. The address, business/occupancy name, date, and times of Fire Watch will be included in the notification.
7. Fire watch personnel shall conduct constant patrols of the protected premises. Fire watch personnel are required to keep a journal and log all activities every 30 minutes. The journal shall be presented to the Austin Fire Department upon request.
8. The watch is to be maintained until the conditions that resulted in the Fire Watch have been corrected and the AFD Emergency Prevention Office releases the Fire Watch.
9. Fire Watch duties required during holiday and weekends, that are required to be provided by Licensed Security Company personnel, may be delayed. In such a case, management shall provide "in-house" Fire Watch personnel, but such personnel shall be replaced as soon as licensed security personnel are available. If no personnel are available the AFD Emergency Prevention Office shall evacuate the building per International Fire Code Section 901.7, or, AFD Emergency Prevention Office personnel may provide the Fire Watch services with established fees.
10. The AFD Emergency Prevention Office can be reached by calling (512) 974-0160 during normal business hours or can be paged by calling 911 after hours and asking to speak to a Fire Prevention Inspector.



**Austin Fire Department Fire Watch Log**  
**BUILDING REPRESENTATIVE**  
**NOTIFICATION OF**  
**FIRE WATCH RESPONSIBILITIES**

I \_\_\_\_\_, hereby acknowledge that the fire protection system protecting the property located at \_\_\_\_\_ Austin, TX has been rendered ineffective and a fire watch must be posted until such a time that the fire protection system is fully operational. I further acknowledge that I am responsible to ESTABLISH, INSTRUCT, AND MAINTAIN the required fire watch throughout the building or property. Failure to follow this order will make me subject to prosecution. If a fire or injuries result from a failure to comply with this order, I may be liable for damages to persons or property under provisions of the City Ordinance adopting the Fire Code. I have also received the Fire Watch Procedures and Fire Watch Log that must be maintained throughout the duration of the fire watch.

I understand that the fire watch may only be terminated upon approval from the Austin Fire Chief or Fire Marshal.

\_\_\_\_\_  
Fire Watch Designee(Print Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Building Representative

\_\_\_\_\_  
Date



